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MAY 4 2016	
CLERK US DISTRICT COURT	
DISTRICT OF NEVADA	
BY:	DEPUTY

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CELENA PENFOLD,

Defendant.

3:15-CR-061-HDM-(WGC)

PRELIMINARY ORDER OF FORFEITURE

This Court finds that defendant CELENA PENFOLD pled guilty to Count One of a One-Count Superseding Information charging her with Conspiracy to Distribute and Possess with Intent to Distribute a Mixture and Substance Containing a Detectable Amount of Methamphetamine, Heroin, and Marijuana in violation of Title 21, United States Code, Sections 841(a)(1) and 846. Superseding Information, ECF No. 313; Change of Plea, ECF No. 319; Plea Agreement, ECF No. 316.

This Court finds defendant CELENA PENFOLD agreed to the forfeiture of the property set forth in the Plea Agreement and the Forfeiture Allegation of the Superseding Information. Superseding Information, ECF No. 313; Change of Plea, ECF No. 319; Plea Agreement, ECF No. 316.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement and the Forfeiture Allegation of the Superseding Information and the offense to which defendant CELENA PENFOLD pled guilty.

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1 The following assets are subject to forfeiture pursuant to Title 21, United States Code, Section
2 853(a)(1), (a)(2), and (p):

- 3 1. United States currency, including \$3,689.25 recovered from Andres Rodriguez, on or
4 about August 19, 2015;
- 5 2. United States currency, including \$4200 located in the custody of Andres Rodriguez,
6 recovered on or about August 26, 2015;
- 7 3. A blue 2004 Lexus 300, Nevada license plate 305AVN, VIN JT8BD69S540191973,
8 registered to Andres Rodriguez, 197 East Grove Street, C5, Reno, Nevada; and
- 9 4. Firearms, including a Smith & Wesson model 411 .40 caliber pistol, bearing serial
10 number VCZ3791, and a KBI Model SMC .380 caliber pistol, bearing serial number
11 9319741, each found in the trunk of a gray 1999 Suzuki 4-door Esteem, Nevada license
12 798ATT

13 (all of which constitutes property).

14 This Court finds the United States of America is now entitled to, and should, reduce the
15 aforementioned property to the possession of the United States of America.

16 **NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED** that the
17 United States of America should seize the aforementioned property.

18 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** all right, title, and interest of
19 CELENA PENFOLD in the aforementioned property is forfeited and is vested in the United States of
20 America and shall be safely held by the United States of America until further order of the Court.

21 **IT IS FURTHER ORDERED, ADJUDGED, AND DECREED** the United States of America
22 shall publish for at least thirty (30) consecutive days on the official internet government forfeiture
23 website, www.forfeiture.gov, notice of this Order, which shall describe the forfeited property, state the
24 time under the applicable statute when a petition contesting the forfeiture must be filed, and state the
25 name and contact information for the government attorney to be served with the petition, pursuant to
26 Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code, Section 853(n)(2).

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or entity
2 who claims an interest in the aforementioned property must file a petition for a hearing to adjudicate
3 the validity of the petitioner's alleged interest in the property, which petition shall be signed by the
4 petitioner under penalty of perjury pursuant to Title 21, United States Code, Section 853(n)(3) and
5 Title 28, United States Code, Section 1746, and shall set forth the nature and extent of the petitioner's
6 right, title, or interest in the forfeited property and any additional facts supporting the petitioner's
7 petition and the relief sought.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be filed
9 with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal Building, 400 South
10 Virginia Street, 3rd Floor, Reno, NV 89501, no later than thirty (30) days after the notice is sent or, if
11 direct notice was not sent, no later than sixty (60) days after the first day of the publication on the
12 official internet government forfeiture site, www.forfeiture.gov.

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if any,
14 shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at the
15 following address at the time of filing:

16 Greg Addington
17 Assistant United States Attorney
100 West Liberty Street, Suite 600
Reno, NV 89501

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein
20 need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency
21 following publication of notice of seizure and intent to administratively forfeit the above-described
22 property.

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1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies of
2 this Order to all counsel of record.

3 DATED this 4 day of May, 2016.

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6 UNITED STATES DISTRICT JUDGE
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